

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Chusa

In re Reissue Application

Inventor: Richard Chao

Reissue Application No.: 09/182,808

Filed: 10/21/98

Patent No.: 5,568,207

Title: AUXILIARY LENSES FOR  
EYEGLASSES



REISSUE PATENT APPLICATION

Art Unit: 2873

Examiner: Mai, H.

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Brian I. Marcus, Reg. No. 34,511  
Signature Date: July 6, 2000

(Attorney Signature)

RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. § 1.111

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This RESPONSE is in reply to the Office action mailed June 6, 2000.

In the Claims

Please amend Claim 1.

Please add new Claims 3-46.

The claims have been reproduced in full for your convenience.

1. **(Once Amended)** An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein, said primary spectacle frame including two side portions each having an extension extended therefrom for pivotally coupling a leg means thereto, said primary

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spectacle frame including two rear and side portions each having a projection secured thereto, said primary spectacle frame including an upper side portion,

a pair of first magnetic members secured in said projections respectively,

an auxiliary spectacle frame for supporting auxiliary lenses therein, said auxiliary spectacle frame including two side portions each having an arm extended therefrom, with at least one arm for extending over [and for engaging with] said upper side portion of said primary spectacle frame, and

a pair of second magnetic members secured to said arms respectively for engaging with said first magnetic members of said primary spectacle frame so as to secure said auxiliary spectacle frame to said primary spectacle frame,

at least one of said arms being [engaged with and] supported on said upper side portion of said primary spectacle frame so as to allow said auxiliary spectacle frame to be stably supported on said primary spectacle frame and so as to prevent said auxiliary spectacle frame from moving downward relative to said primary spectacle frame and so as to prevent said auxiliary spectacle frame from being disengaged from said primary spectacle frame.

2. An eyeglass device according to Claim 1, wherein said projections and said first magnetic members are arranged lower than said upper side portion of said primary spectacle frame, said second magnetic members are extended downward toward said projections for hooking on said primary spectacle frame so as to further secure said auxiliary spectacle frame to said primary spectacle frame.

3. (New) An eyeglass device as recited in Claim 1 wherein the first and the second magnetic members are magnets.
4. (New) An eyeglass device as recited in Claim 1 wherein:  
the primary spectacle frame includes two upper side portions, each upper side portion for supporting one of said arms.
5. (New) An eyeglass device comprising:  
a primary spectacle frame for supporting primary lenses therein;  
the primary spectacle frame including two side portions;  
each side portion having an extension extended therefrom for pivotally coupling a leg thereto;  
the primary spectacle frame including a projection extending from each said side portion;  
each projection securing a first magnetic member; and  
the primary spectacle frame including an upper portion; and  
an auxiliary spectacle frame for supporting auxiliary lenses therein;  
the auxiliary spectacle frame including two auxiliary side portions;  
each said auxiliary side portion having an arm extended therefrom;  
with at least one arm being configured to extend over the upper portion of the primary spectacle frame;  
each arm securing a second magnetic member;

each second magnetic member configured to engage with one of the first magnetic members of the primary spectacle frame; and

the upper portion supports at least one arm of the auxiliary frame.

6. (New) An eyeglass device as recited in Claim 5 wherein the upper portion is an upper part of one of the side portions of the primary frame.
7. (New) An eyeglass device as recited in Claim 5 wherein the first and the second magnetic members are magnets.
8. (New) An eyeglass device as recited in Claim 7 wherein the first magnetic members are not in contact with the second magnetic members.
9. (New) An eyeglass device as recited in Claim 8 wherein the upper portion is an upper part of one of the side portions of the primary frame.
10. (New) An eyeglass device comprising:
  - a primary spectacle frame for supporting primary lenses therein;
  - the primary spectacle frame including two side portions;
  - each side portion having an extension extended therefrom for pivotally coupling a leg thereto;
  - the primary spectacle frame including a projection extending from each said side portion;
  - each projection securing a first magnetic member; and

the primary spectacle frame including an upper means; and  
an auxiliary spectacle frame for supporting auxiliary lenses therein;  
the auxiliary spectacle frame including two auxiliary side portions;  
each said auxiliary side portion having an arm extended therefrom;  
with at least one arm being configured to extend over the upper means of  
the primary spectacle frame;

each arm securing a second magnetic member;

each second magnetic member configured to engage with one of the first  
magnetic members of the primary spectacle frame; and

the upper means supports at least one arm of the auxiliary frame.

11. (New) An eyeglass device as recited in Claim 10 wherein:

the first and the second magnetic members are magnets; and

the upper means is an upper part of one of the side portions.

12. (New) An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein, with the  
lenses defining a vertical plane;

the primary spectacle frame including two side portions;

each side portion having an extension extended therefrom for pivotally  
coupling a leg thereto; and

the primary spectacle frame including two first magnets, each secured to  
one of the side portions of the primary frame; and

an auxiliary spectacle frame for supporting auxiliary lenses therein, and for disposing in front of the primary frame;

the auxiliary spectacle frame including two auxiliary side portions; and

the auxiliary spectacle frame including two second magnets, each secured to one of the auxiliary side portions, for engaging on a horizontal position with one of the first magnets so as to secure the auxiliary frame to the primary frame.

13. **(New)** An eyeglass device as recited in Claim 12 wherein:

the primary spectacle frame includes a projection extending from each of its side portion;

each projection secures one of the first magnets;

the primary spectacle frame includes an upper portion;

each said auxiliary side portion has an arm extended therefrom;

at least one arm is configured to extend over the upper portion of the primary spectacle frame;

each arm secures one of the second magnets; and

the upper portion is an upper part of one of the side portions of the primary spectacle frame.

14. **(New)** A primary eyeglass device adapted to stably support an auxiliary spectacle frame, which includes two auxiliary side portions, each auxiliary side portion having an arm extended therefrom, and each arm securing a first magnetic member,

the primary eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein;  
the primary spectacle frame including two primary side portions;  
each side portion having an extension extended therefrom for pivotally  
coupling a leg thereto;  
the primary spectacle frame including a projection extending from each  
said side portion;  
each projection securing a second magnetic member;  
the primary spectacle frame including an upper portion; and  
when the primary frame is supporting the auxiliary frame,  
each second magnetic member engages with one of the first  
magnetic members;  
the upper portion being extended over by at least one arm of the  
auxiliary frame; and  
the upper portion supports at least one arm of the auxiliary frame.

15. (New) A primary eyeglass device as recited in Claim 14 wherein the upper  
portion is an upper part of one of the primary side portions.

16. (New) An auxiliary eyeglass device comprising:  
an auxiliary spectacle frame for supporting auxiliary lenses therein;  
the auxiliary spectacle frame including two auxiliary side portions;  
each auxiliary side portion having an arm extended therefrom; and  
each arm securing a first magnet;

the auxiliary spectacle frame being adapted to be stably supported on a primary spectacle frame, which includes two primary side portions, each side portion securing a second magnetic member, the primary spectacle frame also including an upper portion; and

when the auxiliary frame is supported by the primary frame,

each first magnet engages with one of the second magnetic members; and

at least one arm of the auxiliary frame extending over the upper portion.

17. (New) An auxiliary eyeglass device as recited in Claim 16 wherein when the auxiliary frame is supported by the primary frame, at least one arm of the auxiliary frame is supported by the upper portion of the primary frame, which is an upper part of one of the primary side portions.

18. (New) An auxiliary eyeglass device adapted to be stably supported on a primary spectacle frame, which includes two primary side portions, each said side portion securing a first magnetic member, the primary spectacle frame also including an upper portion, the auxiliary eyeglass device comprising:

an auxiliary spectacle frame for supporting auxiliary lenses therein;

the auxiliary spectacle frame including two auxiliary side portions;

each auxiliary side portion having an arm extended therefrom;

each arm securing a second magnet; and

when the auxiliary frame is supported by the primary frame,



each second magnet engages with one of the first magnetic members of the primary spectacle frame; and

at least one arm of the auxiliary frame extending over the upper portion.

19. (New) An auxiliary eyeglass device as recited in Claim 18 wherein when the auxiliary frame is supported by the primary frame, at least one arm of the auxiliary frame is supported by the upper portion of the primary frame, which is an upper part of one of the primary side portions.

20. (New) A primary eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein;  
the primary spectacle frame including two primary side portions;  
each side portion having an extension extended therefrom for pivotally coupling a leg thereto;  
the primary spectacle frame including a projection extending from each said side portion;  
each projection securing a first magnet; and  
the primary spectacle frame including an upper portion;  
the primary frame adapted to stably support an auxiliary spectacle frame, which includes two auxiliary side portions each securing a second magnetic member; and  
when the primary spectacle frame is supporting the auxiliary spectacle frame,

the upper portion is extended over by at least one of the auxiliary side portions;

the upper portion supports at least one of the auxiliary side portions; and

each first magnet engages with one of the second magnetic members.

21. (New) A primary eyeglass device as recited in Claim 20 wherein the upper portion is an upper part of one of the primary side portions.

22. (New) A primary eyeglass device adapted to stably support an auxiliary spectacle frame, the auxiliary spectacle frame for supporting auxiliary lenses therein, and for disposing in front of the primary frame, the auxiliary spectacle frame including two auxiliary side portions, each auxiliary side portion having an arm extended therefrom, and each arm securing a first magnet,

the primary eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein;

the primary spectacle frame including two side portions;

each of the two side portions having an extension extended therefrom for pivotally coupling a leg thereto;

the primary spectacle frame including a projection extending from each said side portion;

each projection securing a second magnet; and

when the primary frame is supporting the auxiliary frame,

each second magnet is coupled to, but not in contact with, one of the first magnets on a horizontal position so as to secure the auxiliary frame to the primary frame; and

the auxiliary frame is supported by at least an upper portion of the primary frame.

23. **(New)** An eyeglass device as recited in Claim 4 wherein each upper side portion is an upper part of one of the side portions of the primary spectacle frame.
24. **(New)** An eyeglass device as recited in Claim 23 wherein the magnetic members are magnets.
25. **(New)** An eyeglass device as recited in Claim 1 wherein at least the end portion of one arm extends downward toward one of the projections for hooking on the primary spectacle frame so as to further stably support and secure the auxiliary spectacle frame to the primary spectacle frame.
26. **(New)** An eyeglass device as recited in Claim 5 wherein at least the end portion of one arm extends downward toward one of the projections for hooking on the primary spectacle frame such that the auxiliary spectacle frame is further stably supported and secured to the primary spectacle frame.
27. **(New)** An eyeglass device as recited in Claim 10 wherein at least the end portion of one arm extends downward toward one of the projections for hooking on the

primary spectacle frame such that the auxiliary spectacle frame is further stably supported and secured to the primary spectacle frame.

28. **(New)** An eyeglass device as recited in Claim 12 wherein at least the end portion of one auxiliary side portion extends downward toward one of the side portions of the primary spectacle frame for hooking on the primary spectacle frame such that the auxiliary spectacle frame is further stably supported and secured to the primary spectacle frame.
29. **(New)** An auxiliary eyeglass device as recited in Claim 16 wherein when the auxiliary frame is supported by the primary frame, at least the end portion of one arm extends downward toward one of the side portions of the primary spectacle frame for hooking on the primary spectacle frame such that the auxiliary spectacle frame can be further stably supported and secured to the primary spectacle frame.
30. **(New)** An auxiliary eyeglass device as recited in Claim 18 wherein when the auxiliary frame is supported by the primary frame, at least the end portion of one arm extends downward toward one of the side portions of the primary spectacle frame for hooking on the primary spectacle frame such that the auxiliary spectacle frame can be further stably supported and secured to the primary spectacle frame.
31. **(New)** An eyeglass device as recited in Claim 25 wherein the first and the second magnetic members are magnets.

32. (New) An eyeglass device as recited in Claim 26 wherein the first and the second magnetic members are magnets.

33. (New) An eyeglass device as recited in Claim 27 wherein the first and the second magnetic members are magnets.

34. (New) An eyeglass device comprising:

a primary frame for supporting primary lenses therein, with the lenses defining a vertical plane;

the primary spectacle frame including two side portions;

each side portion having an extension extended therefrom for pivotally coupling a leg thereto; and

the primary spectacle frame including two first magnets, each secured to one of the side portions of the primary frame; and

an auxiliary frame for supporting auxiliary lenses therein, and for disposing in front of the primary frame;

the auxiliary spectacle frame including two auxiliary side portions;

and

the auxiliary frame including two second magnets, each secured to one of the auxiliary side portions, for coupling on a horizontal position with one of the first magnets so as to secure the auxiliary frame to the primary frame.

35. (New) An eyeglass device comprising:

a spectacle primary frame for supporting primary lenses therein, with the primary lenses defining a vertical plane;

the primary spectacle frame including two side portions;

each side portion having an extension extended therefrom for pivotally coupling a leg thereto; and

the primary spectacle frame including two first magnetic members, each secured to one of the side portions of the primary frame; and

an auxiliary spectacle frame for supporting auxiliary lenses therein, and for disposing in front of the primary frame;

the auxiliary spectacle frame including two auxiliary side portions;

the auxiliary frame including two second magnetic members, each secured to one of the auxiliary side portions, for coupling on a horizontal position, but not in contact, with one of the first magnetic members so as to secure the auxiliary frame to the primary frame; and

the auxiliary spectacle frame being supported by at least an upper portion of the primary spectacle frame.

36. (New) An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein;

the primary spectacle frame including two side portions;

each side portion having an extension extended therefrom for pivotally coupling a leg thereto; and

the primary spectacle frame including two first magnetic members, each secured to one of the side portions of the primary frame; and

an auxiliary spectacle frame for supporting auxiliary lenses therein, and for disposing in front of the primary frame;

the auxiliary spectacle frame including two auxiliary side portions; and

the auxiliary spectacle frame including two second magnetic members, each secured to one of the auxiliary side portions, for coupling on a horizontal position with one of the first magnetic members so as to secure the auxiliary frame to the primary frame, the horizontal position being substantially perpendicular to a front surface of the primary frame.

37. **(New)** An eyeglass device as recited in Claim 36 wherein the second magnetic members are magnets.
38. **(New)** An eyeglass device as recited in Claim 36 wherein the first magnetic members are magnets.
39. **(New)** An eyeglass device as recited in Claim 36 wherein the first and the second magnetic members are magnets.
40. **(New)** An eyeglass device as recited in Claim 36 wherein the first magnetic members are not in contact with the second magnetic members.

41. (New) An eyeglass device as recited in Claim 39 wherein the first magnetic members are not in contact with the second magnetic members.

42. (New) An eyeglass device as recited in Claim 36 further comprising at least one projection extending from said primary frame, said projection being configured to secure one of said first magnetic members.

43. (New) An eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein;

the primary spectacle frame including two side portions;

each side portion having an extension extended therefrom for pivotally coupling a leg thereto;

the primary spectacle frame including a projection extending from each said side portion;

each projection securing a first magnetic member; and

the primary spectacle frame including an upper portion; and

an auxiliary spectacle frame for supporting auxiliary lenses therein;

the auxiliary spectacle frame including two auxiliary side portions;

each said auxiliary side portion having an arm extended therefrom;

with at least one arm being configured to extend over the upper portion of the primary spectacle frame;

each arm securing a second magnetic member;



each second magnetic member configured to couple with one of the first magnetic members of the primary spectacle frame; and  
the upper portion supports at least one arm of the auxiliary frame.

44. (New) An auxiliary eyeglass device comprising:

an auxiliary spectacle frame for supporting auxiliary lenses therein;  
the auxiliary spectacle frame including two auxiliary side portions;  
each auxiliary side portion having an arm extended therefrom; and  
each arm securing a first magnetic member;

the auxiliary spectacle frame being adapted to be stably supported on a primary spectacle frame, which includes two primary side portions, each side portion securing a second magnetic member, the primary spectacle frame also including an upper portion; and

when the auxiliary frame is supported by the primary frame,

each first magnetic member engages with one of the second magnetic members; and

at least one arm of the auxiliary frame extending over the upper portion.

45. (New) A primary eyeglass device for securing an auxiliary spectacle frame, which includes two auxiliary side portions, each auxiliary side portion securing to a first magnetic member, the primary eyeglass device comprising:

a primary spectacle frame for supporting primary lenses therein;  
the primary spectacle frame including two side portions;

each side portion having an extension extended therefrom for pivotally coupling a leg thereto;

the primary spectacle frame including two first magnetic members, each secured to one of the side portions of the primary spectacle frame; and

when the auxiliary spectacle frame is secured to the primary spectacle frame, each second magnetic member couples on a horizontal position with one of the first magnetic members, the horizontal position being substantially perpendicular to a front surface of the primary frame.

46. **(New)** An auxiliary eyeglass device adapted to be secured to a primary spectacle frame, which includes two primary side portions, each said side portion securing a first magnetic member, the auxiliary eyeglass device comprising:

an auxiliary spectacle frame for supporting auxiliary lenses therein;

the auxiliary spectacle frame including two auxiliary side portions;

each auxiliary side portion configured to secure a second magnetic member; and

when the auxiliary frame is secured to the primary frame, each second magnetic member couples on a horizontal position with one of the first magnetic members of the primary spectacle frame, the horizontal position being substantially perpendicular to a front surface of the auxiliary frame.



REMARKS

The Examiner rejected the reply filed on January 19, 2000 as not fully responsive to the prior Office action because the applicant did not follow the rules as set forth in 37 C.F.R. §1.121. Applicant has amended the claims to follow the rules as set forth in 37 C.F.R. §1.121, and it is respectfully requested that the objection to the reply be withdrawn.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: July 6, 2000

By: Brian I. Marcus

Brian I. Marcus  
Reg. No. 34,511

FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800

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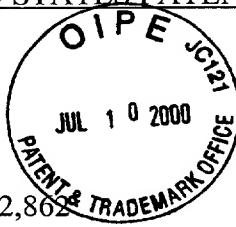
Inventor: Richard Chao

Reissue Application No.: 09/182,862

Filed: 10/21/98

Patent No.: 5,568,207

Title: AUXILIARY LENSES FOR  
EYEGLASSES



) REISSUE PATENT APPLICATION

) Art Unit: 2873

) Examiner: Mai, H.

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Brian P. Marcus, Reg. No. 34,511  
Signature Date: July 6, 2000

(Attorney Signature)

RESPONSE TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted with this communication in connection with the above-identified application are the following:

- ☒ A Response under 37 C.F.R. §1.111 to the Office Action dated June 6, 2000.
- ☐ A Response under 37 C.F.R. §1.116 to the Office Action dated \_\_\_\_.
- ☐ A Petition for an Extension of Time under 37 C.F.R. §1.136.
- ☐ A Statement pursuant to 37 C.F.R. §1.27 to establish small entity status under 37 C.F.R. §1.9(f).
- ☐ An Information Disclosure Statement pursuant to 37 C.F.R. §1.56.

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The fee associated with this communication has been calculated as shown below:

- ☒ No fee is required with this communication.
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established.
- ☐ A fee for extension of time for response under 37 C.F.R. §1.136 filed within \_\_ month(s) after the original time for response of \$\_\_\_ is due.
- ☐ A fee of \$240.00 is due for the submission of the accompanying Information Disclosure Statement.
- ☐ A fee for addition of claims under 37 C.F.R. §1.16 is due as follows:

Claims Remaining After Amendment	Highest Previously Paid For	Number Extra	Rate Small Entity/ Other Than Small Entity
Total Claims <u>46</u> - <u>46</u> = <u>0</u> * X			\$ 9.00 \$18.00 = \$-0-
Independent Claims <u>16</u> - <u>16</u> = <u>0</u> * X			\$39.00 \$78.00 = \$-0-
First Presentation of Multiple Dependent Claim(s) __			\$130.00 \$260.00 = \$

\*If the difference is less than zero, enter "0".

Additional Fee= \$ -0-

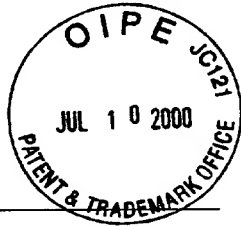
The total fee required with this communication is \$ -0- and is to be paid as follows:

- ☐ Please charge Deposit Account No. 06-1325 in the amount of \$\_\_. A duplicate copy of this authorization is enclosed.
- ☐ A check in the amount of \$\_\_ is enclosed.

X The Commissioner is hereby authorized to charge underpayment of any fees, including the following fees, associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

X Any filing fees under 37 C.F.R. §1.16 for the presentation of additional claims.

X Any patent application processing fees under 37 C.F.R. §1.17 including any applicable fee for extension of time.



Date: July 6, 2000

Respectfully submitted,

By: Brian I. Marcus

Brian I. Marcus  
Reg. No. 34,511

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Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800

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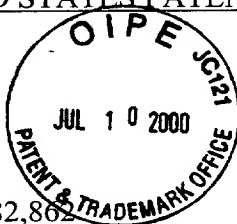
Inventor: Richard Chao

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REISSUE PATENT APPLICATION

Art Unit: 2873

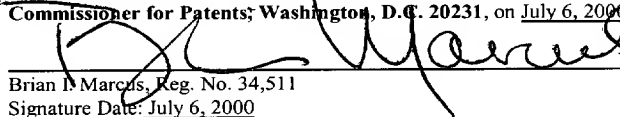
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 (Attorney Signature)  
Brian D. Marcus, Reg. No. 34,511  
Signature Date: July 6, 2000

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Washington, D.C. 20231

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First Presentation of Multiple Dependent Claim(s) __			\$130.00 \$260.00 = \$

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Additional Fee= \$ -0-

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— A check in the amount of \$\_\_ is enclosed.



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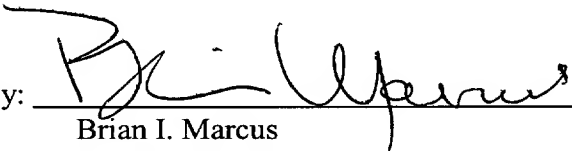
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By:   
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Reg. No. 34,511

FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800

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